

Official Use Only

Case Number	Judge	Magistrate Judge
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Case: 1:08-cv-11038
 Judge: Ludington, Thomas L
 Referral MJ: Majzoub, Mona K
 Filed: 03-11-2008 At 10:15 AM
 PRIS DOWE V. SATTTLER ET AL (DA)

PRISONER CIVIL RIGHTS COMPLAINT

This form is for use by state prisoners filing under 42 U.S.C. § 1983 and federal prisoners filing pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

Plaintiff's Information

Name JEROME DOWE-BEY		Prisoner No. 250183	
Place of Confinement Michigan Department of Corrections' Marquette Branch Prison [MBP], Level V			
Street 1960 U.S. Hwy. 41 South	City Marquette	State MI	Zip Code 49855
Are there additional plaintiffs? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, any additional plaintiffs to this action should be listed on a separate 8½" x 11" sheet of paper and securely attached to the back of this complaint. <u>You must provide names, prisoner numbers and addresses for all plaintiffs.</u>			

Defendant's Information

Name ROBERT J. SATTTLER (P24052) ⁵⁰² , et, al.		Position Wayne County Prosecutor	
Street/P.O. Box 1441 ST. Antoine Street	City Detroit	State Mich.	Zip Code 48226
Are you suing this defendant in his/her: <input type="checkbox"/> Personal Capacity <input type="checkbox"/> Official Capacity <input checked="" type="checkbox"/> Both Capacities			
Are you suing more than one defendant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, any additional defendants to this action should be listed on a separate 8½" x 11" sheet of paper and securely attached to the back of this complaint. <u>You must provide their names, positions, current addresses and the capacity (personal, official or both) in which you are suing them.</u>			

I. PREVIOUS LAWSUITS

Have you filed any other lawsuits in state or federal court relating to your imprisonment?

☐ Yes ☒ No

If "Yes," complete the following section. If "No," proceed to Part II.

Please list all prior civil actions or appeals that you have filed in federal court while you have been incarcerated.

Docket or Case Number:	2:07-cv-208
Name of Court:	U.S. DISTRICT COURT, WESTERN DIST./NORTHERN DIVISION
Parties (Caption or Name of Case):	Jerome Dowe, (Id. #250183) v. Gerald Hofbauer, Warden
Disposition:	Report and Recommendation: dismissal with prejudice.

Docket or Case Number:	
Name of Court:	
Parties (Caption or Name of Case):	
Disposition:	

Docket or Case Number:	
Name of Court:	
Parties (Caption or Name of Case):	
Disposition:	

Any additional civil actions should be listed on a separate sheet of 8½" x11" paper and securely attached to the back of this complaint.

II. STATEMENT OF FACTS

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include the names of other people, dates and places involved in the incident. Do not give any legal arguments or cite any cases or statutes. If you intend to allege several related claims, number and set forth each claim on a separate 8½" x 11" sheet of paper and securely attach the papers to the back of this complaint.

The Detroit Police arrested, interrogated and photographed, and released me during their investigation for a homicide; fabricated evidence, manufactured my participation in the crime, an orchestration by Detective Division's Dale C Collins, commencing September 19 thru 27th, 1995. Wayne County Prosecutor's Assistant Robert J. Sattler used tainted evidence to bring charges, conclusory Felony Complaint where Clerk failed to properly File w/District Court, using suggestive, non-positive identification, missing Res Gestae Witness' [Muwafak "Mark" Elias Shounia] exculpatory live "Show Up Identification," biased Trial Judge and fact-finding was clearly erroneous, bias Juror on the record, Trial and Appellate Counsel were gravely ineffective; hearsay testimony and material false statements and use of perjured testimony violated my

III. RELIEF

State briefly and exactly what you want the Court to do for you.

(1) Grant this Bivens §1983 immediately, (2) Grant a New Trial and set-aside current judgment "Void" as stated, order all official State & county records used to convict me be mailed to me within [10] business days, (3) Grant and order personal bond pending this Action because I was not only convicted but I have been enslaved, (4) Order my release from the MDCC within [10] days of this Bivens complaint being granted by this Court, (5) any and all Equitable Relief this Court deems necessary, and/or (6) Order a Ginther or full Franks Hearing and Remand this State case.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed (signed) on March 6th, 2008 (date).


Signature of Plaintiff

Listing of Additional Defendants to this Action
(being below in both personal & official capacities)

1. Detroit Police Department, et, al. 1300 Beaubien Ave., Detroit, MI 48226
 - 1-1 Detective Dale Collins, et, al. ||
 - 1-2 Sgt. Arlie Lovier, et, al. ||
 - 1-3 Lt. Joan Shougoian, et, al. ||
 - 1-4 Sgt. Patrick Hennenan, et, al. ||
 - 1-5 Sgt. Vernon Humes, et, al. ||
 - 1-6 Officer Steven Allen, et, al. ||
 - 1-7 Shift Sgt. Saxton, et, al. ||
 - 1-8 Shift Lt. TBM, et, al. ||
 - 1-9 Officer Jennifer Nunnery, et, al. ||
 - 1-10 Officer Gregory Hughes, et, al. ||
 - 1-11 Officer John Doty, et, al. ||
 - 1-12 Felony Complainant Samuel M. Le , et, au. ||
2. Wayne County Prosecutors, et, al. 1441 ST. Antoine St. Detroit, MI 48226
 - 2-1 Robert Hood (P15103), et, al. ||
 - 2-2 John D. O'Hare, et, al. ||
 - 2-3 Mary Dufour Marrow (P39210), et, al. ||
 - 2-4 Timothy A. Baughman, et, al. ||
 - 2-5 George E. Ward, et, al. ||
3. Third Judicial Circuit Court, (Detroit Recorder's Court of Wayne County)
1441 ST. Antoine Street Detroit, Michigan 48226
 - 3-1 Hon. Kym L. Mortny (P38675), et, al. ||
 - 3-2 Judge David J. Allen (P48982), et, al. ||
4. 36th District Court of Detroit, et, al. 421 Madison Ave. Det., MI 48226
 - 4-1 Judge Thomas J. Shannon (P35152), et, al. ||
5. Wayne County, et, al. 211 Woodward Avenue Detroit, Michigan 48226
6. City of Detroit, et, al. 211 Woodward Avenue Detroit, Michigan 48226
7. State of Michigan, et, al. 111 S. Capitol Avenue Lansing, Mich. 48909
 - 7-1 Governor Jennifer Granholm, et, al. ||

continued

8. Mich. Attorney General Mike Cox (P43039), et, al. 525 W. Ottawa Street
Lansing, Michigan 48909

9. MI Department of Corrections, et, al. P.O. Box 36003 Lansing, MI 48909

9-1 Patricia L. Caruso, et, al. ||

9-2 Leo Friedman, et, al. ||

9-3 Warden Gerald Hofbauer, et, al. Marquette Branch Prison 1960 U.S. Hwy.
41 South Marquette, Michigan 49855

Part II. STATEMENTS OF FACTS

(continued)

right to be secure in person, home, documents, and belongings, against unreasonable searches and seizures; thus State process deprived me of life, liberty, and property, violating my substantive due process of law, denying me the equal protection of the laws. I was denied my constitutional rights to a fair and impartial jury, and trial; the Court of Appeals side-stepped the principle issue but vacated, in part, Fifth Amendment issue(s), my convictions are defects, structural errors, and the original indictment.

In accordance with instructions...

Below includes the names of other people,
dates and places involved in the incident.

per Detroit Police Department's PRELIMINARY COMPLAINT RECORD - Arrest File assigned to Lieutenant Rice of Homicide Squad, SAS, Reporting Officer Robert Winkler (Badge 3970), other Officers involved: Sgt. William Price (5-20), Patrol Officer Steven Allen (4835), made the Tuesday, September 19th, 1995, arrest. Leading investigation and organizing/arranging Photo Array and Live Show Up's on Sept. 21st, 22nd, 25 & 26th, 1995, were Sgt. Arlie Lovier and Det. Dale Collins. Johnny Fox and Anthony Lee were the State's key witnesses twice providing "not positive," no id., and non-positive identification, e.g. the State proceeded notwithstanding Misidentifications, Circumstantial Evidence.

CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>08-11038</u>		Judge: <u>Thomas L. Ludington</u>		Magistrate Judge: <u>Mona K. Majzoub</u>	
Name of 1st Listed Plaintiff/Petitioner: JEROME DOWE			Name of 1st Listed Defendant/Respondent: ROBERT SATTler ET AL		
Inmate Number: 250183			Additional Information:		
Plaintiff/Petitioner's Attorney and Address Information:					
Correctional Facility: Marquette Branch Prison 1960 U.S. Hwy 41 South Marquette, MI 49855 MARQUETTE COUNTY					

BASIS OF JURISDICTION

- ☐ 2 U.S. Government Defendant
☒ 3 Federal Question

ORIGIN

- ☒ 1 Original Proceeding
☐ 5 Transferred from Another District Court
☐ Other:

NATURE OF SUIT

- ☐ 530 Habeas Corpus
☐ 540 Mandamus
☒ 550 Civil Rights
☐ 555 Prison Conditions

FEE STATUS

- ☒ IFP *In Forma Pauperis*
☐ PD Paid

PURSUANT TO LOCAL RULE 83.11**1. Is this a case that has been previously dismissed?**

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____